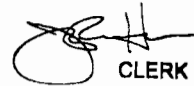


FILED

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CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

MARY J. KLEIN,

Plaintiff(s),

vs.

HARTFORD LIFE & ACCIDENT INSURANCE
COMPANY,

Defendant.

CASE NO. 11-5036

COMPLAINT

PARTIES AND JURISDICTION

1. Mary J. Klein is a former employee of Regional Health ("Regional") and is a citizen of Custer County, South Dakota.
2. The Hartford Life & Accident Insurance Company ("Hartford") issued a group disability insurance policy to Regional during Klein's employment there, which covered Klein.
3. The policy is part of an ERISA plan.
4. Hartford is not incorporated in South Dakota, nor does it have its principal place of business in South Dakota.
5. The amount in controversy exceeds \$75,000, exclusive of interest and costs.
6. This court has jurisdiction under 29 U.S.C. § 1132(a) and 28 U.S.C. § 1331, and diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

CAUSE OF ACTION – ERISA

7. At all pertinent times, Klein has been disabled within the meaning of the policy.
8. Klein is entitled to disability benefits under the policy.

9. Klein is entitled to waiver of premium benefits due to her disability.
10. Hartford violated ERISA by wrongfully denying Klein benefits under the policy.
11. Klein has exhausted her remedies under the policy.

WHEREFORE, PLAINTIFF PRAYS:

1. For recovery of benefits due under the terms of the plan, to enforce her rights under the terms of the plan, and to clarify her rights to future benefits under the terms of the plan;
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just.

Dated this 19th day of April, 2011.

JULIUS & SIMPSON, L.L.P.

By: 

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